



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/716,242

11/17/2003

Michael Gauselmann

ATR-A-102-3P

6611

32566 7590 12/21/2007
PATENT LAW GROUP LLP
2635 NORTH FIRST STREET
SUITE 223
SAN JOSE, CA 95134

EXAMINER

BANTA, TRAVIS R

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

12/21/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/716,242	Applicant(s) GAUSELMANN, MICHAEL	
	Examiner Travis R. Banta	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The Applicant has filed a response to a non-final office action on 10/9/2007.

Claims 1 and 20 are amended. Claims 1-21 are pending.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughs-Baird et al. (US 6,439,995).

Regarding claim 1, Hughs-Baird et al. discloses a gaming method using a gaming machine to conduct a main game with several possible outcomes enabling a secondary game (see column 5 lines 1-6). The main game generates an outcome enabling the secondary game. The secondary game displays several icons to a player. Each icon represents a selection of an unknown element that a player may select (see column 6 lines 34-46 as well as Figure 1-36 and figure 5). A player will then select a previously displayed icon, concurrently from a set of displayed icons, associated with unknown game elements, and the machine receives the corresponding signals signifying the selection. When the element is picked, the player discovers the content of

the icon. Therefore, the displayed element must have changed to display the content of the icon (see column 6 lines 53-54).

Hughs-Baird fails to disclose the elements displayed separately from the icons. However, one of ordinary skill in the art would recognize that it would be necessary to display elements separately from icons to enable the basic functions of the game. It would therefore be obvious to one of ordinary skill in the art at the time of the invention to separate the elements from the icons to enable users to pick an unknown element from an icon.

Regarding claim 2, Hughs-Baird et al. discloses an MxN matrix of icons displayed to a player (see figure 1-36).

Regarding claim 3, Hughs-Baird et al. discloses that after a player selects one of the icons, one of the displayed elements changes only in a row from which the player has selected one of the icons. That is to say, after a player makes a selection, the selected box is only in one of the rows of the matrix. One box is changed and contents are displayed. One box must necessarily be only in 1 row. (see figure 1-36 and related description in column 6 lines 47-57).

Regarding claim 4, Hughs-Baird et al. discloses several screens on which the player can make selections. As the player selects from one screen, arrows are displayed instead of the "pick" boxes to lead the player to another screen to pick. "Pick" icons turn into arrow icons in all rows of the matrix (see column 7 lines 14-24).

Regarding claim 5, Hughs-Baird et al. discloses ending the secondary game after a predetermined number of selections by the player (see column 3 lines 11-22).

Regarding claim 6, Hughs-Baird et al. discloses ending the secondary game after the player selects an icon representing an end to the secondary game (see column 11 lines 45-48).

Regarding claims 7, 8, 9, and 10, Hughs-Baird et al. discloses multipliers for each selection or "pick" box. The values are displayed to the player on the display as indicators. Several multipliers are possible (see column 6 line 58 through column 7 line 12).

Regarding claim 11, Hughs-Baird et al. discloses displaying one or more award values (see column 7 lines 14-24).

Regarding claim 12, Hughs-Baird et al. discloses a game matrix and display that displays unknown awards. These awards otherwise known as "pick" boxes do not identify any particular award until they have been picked by the player (see figure 1-36 and figure 6).

Regarding claim 13, Hughs-Baird et al. discloses displaying an award that initiates another game by starting the present game over (see column 13 line 31-33).

Regarding claim 14, Hughs-Baird et al. discloses displaying elements to a player displaying awards that when selected increase potential awards in the secondary game. These awards are taught as multipliers (see column 6 line 58 through column 7 line 12).

Regarding claim 15, Hughs-Baird et al. discloses displaying elements to a player comprising different types of awards (see various values on figures 1 and 6).

Regarding claim 16, Hughs-Baird et al. discloses the conveyance of a symbol. The symbol is a skull and cross bones (see column 11 lines 45-48). The signals are

received by the machine from a player selecting icons (pick boxes) in order to obtain a predetermined combination of signal (see Column 5 line 32-41).

Regarding claim 17, Hughs-Baird et al. discloses a next level of the secondary game (see column 7 lines 5-10).

Regarding claim 18, Hughs-Baird et al. discloses ending the secondary game after a predetermined plurality of different levels of the secondary game are played (see column 7 lines 5 –34).

Regarding claim 19, Hughs-Baird et al. discloses displaying a plurality of icons to a player with a plurality of rows and columns of icons (see figure 1-36). The elements are displayed to a player without identifying which icons are associated with the elements. The displayed elements are associated with each row containing the displayed elements so the player knows which elements are offered in each row upon the conclusion of the game (see column 10 lines 19-31).

Regarding claim 20, Hughs-Baird et al. teaches a device in a gaming machine to conduct a main game with several possible outcomes enabling a secondary game (see column 5 lines 1-6). The main game generates an outcome enabling the secondary game. The secondary game displays several icons to a player. Each icon represents a selection of an unknown element that a player may select (see column 6 lines 34-46 as well as Figure 1-36 and figure 5). A player will then select a previously displayed icon, concurrently from a set of displayed icons, associated with unknown game elements, and the machine receives the corresponding signals signifying the selection. When the element is picked, the player discovers the content of the icon. Therefore, the displayed

element must have changed to display the content of the icon (see column 6 lines 53-54).

Hughs-Baird fails to disclose the elements displayed separately from the icons. However, one of ordinary skill in the art would recognize that it would be necessary to display elements separately from icons to enable the basic functions of the game. It would therefore be obvious to one of ordinary skill in the art at the time of the invention to separate the elements from the icons to enable users to pick an unknown element from an icon.

Regarding claim 21, Hughs-Baird et al. discloses an MxN matrix of icons displayed to a player (see figure 1-36).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

Application/Control Number:
10/716,242
Art Unit: 3714

Page 7

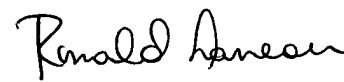
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Travis R. Banta whose telephone number is (571) 272-1615. The examiner can normally be reached on Monday-Friday 9-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TB


RONALD LANEAU
PRIMARY EXAMINER

12/20/07